

TRANSPORTATION ADMINISTRATION

HB 1681 — Transportation

By Transportation Committee, Rep. Sansom and others (CS/CS/CS/SB 460 by Transportation and Economic Development Appropriations Committee; Governmental Oversight and Productivity Committee; Transportation Committee; and Senator Sebesta)

This bill is a compilation of various issues relating to transportation.

Seaports and Dredging Programs

The bill creates s. 311.22, F.S., to establish a matching grant program for dredging projects in counties with a population of less than 300,000. This grant program is to be administered by rules established by the Florida Seaport Transportation and Economic Development Council and includes a review process by the Florida Department of Community Affairs, the Florida Department of Transportation (FDOT), and the Office of Tourism, Trade, and Economic Development.

Aviation Program Administration

Subsection (10) is added to s. 332.007, F.S., providing FDOT the authority to fund a number of aviation activities conducted by the Secure Airports for Florida's Economy (SAFE) Council or other not-for-profit organizations. Eligible activities include master planning, professional education, safety and security planning, and economic development and efficiency enhancements.

Additionally, subsection (19) of s. 380.06, F.S., is amended to remove a provision requiring further development-of-regional-impact review for a proposed change to an airport located in two counties.

Surety

The bill amends subsection (8) of s. 337.11, F.S., to allow supplemental agreements and written work orders for up to 25 percent above the original contract amount to proceed without approval of the surety. The surety's approval is required for cumulative modifications in excess of 25 percent of the original contract amount.

Liability of FDOT, Contractors, and Engineers

Section 337.195, F.S., is created to limit the liability of FDOT's construction and maintenance contractors performing services for FDOT when they are in compliance with contract documents. The bill limits the liability of FDOT's contracted design engineers when they use that degree of care and skill ordinarily exercised by other engineers in the field. Further, in lawsuits against FDOT or its agents in cases involving DUI or reckless driving, the bill provides a presumption the impaired or reckless driver's actions are the proximate cause of the incident unless the gross negligence or intentional misconduct of FDOT or its contractors was a proximate cause of the death or injury.

Toll Facilities

Subsection (1) of s. 338.155, F.S., is amended to exempt persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty from the payment of tolls.

Metropolitan Planning Organizations

Subsection (12) is added to s. 339.175, F.S., to require each long-range transportation plan, each annually updated Transportation Improvement Program, and each amendment affecting projects in the first three years of such plans must be approved by each metropolitan planning organization on a recorded roll call vote of the membership present.

Strategic Intermodal System

Section 339.64, F.S., is amended to update obsolete language relating to the development of the initial Strategic Intermodal System (SIS) Plan and require coordination with and inclusion of military interests in development of the SIS Plan.

Northwest Florida Transportation Corridor Authority

Ch. 343, part IV, F.S., is created to establish the Northwest Florida Transportation Corridor Authority. The Authority is created to improve mobility, traffic safety, and economic development along the U.S. 98 corridor, and identify and develop hurricane evaluation routes.

Public-Private Partnerships

Subsection (10) is added to s. 337.251, F.S., to grant rule-making authority to FDOT to conform current implementation practices relating to public-private transportation partnerships.

State Right-of-Way

Subsection (1) of s. 337.406, F.S., is amended to clarify the authority of local government to permit temporary state road closures (for parades, etc.) is extended to counties, as well as cities. The bill extends the prohibition of temporary closures from interstate highways to all limited access roads.

State-funded Infrastructure Bank

Subsection (2) of s. 339.55, F. S., is amended limiting the amount of State-funded Infrastructure Bank funds the FDOT may loan itself by capping the repayment of such loans to no more than 0.75 percent of the State Transportation Trust Fund.

Mitigation for Transportation Projects

Section 373.4137, F.S., is amended to clarify existing language to better reflect the actual practice of FDOT and the water management districts when addressing environmental mitigation for state transportation projects.

Bicycle Facilities Study

The bill requires FDOT to contract with a consultant for a study of the bicycle facilities that are on or connected to the State Highway System. The results of the bicycle system study are to be presented to the Governor, the President of the Senate, and Speaker of the House by October 1, 2005.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

CS/CS/SB 1168 — Transportation Disadvantaged

by Criminal Justice Committee; Transportation Committee; and Senators Constantine and Alexander

The committee substitute makes a number of administrative changes to the Transportation Disadvantaged Commission (Commission). First, it significantly restructures by reducing the Commission's membership from 27 to 7 persons. The new members would be:

- Seven voting members appointed by the Governor. Two of the members must be persons with a disability who use the transportation disadvantaged system. Five of the members must have significant experience in the operation of a business. In addition, when making an appointment, it is the intent of the Legislature that the Governor select persons who reflect the broad diversity of the business community in the state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

The following serve as ex officio, nonvoting advisors of the Commission:

- The Department of Transportation (DOT) secretary or a designee;
- The Department of Children and Family Services secretary or designee;
- The Agency for Workforce Innovation director or designee;
- The Department of Veteran's Affairs executive director or designee;
- The Department of Elderly Affairs secretary or designee;
- The Agency for Health Care Administration director or designee;
- The Agency for Persons with Disabilities director or designee; and
- An elected official of local government who is appointed by the Governor.

As a result of reducing the membership of the Commission, the committee substitute also revises the number of Commission members to five which are needed to constitute a quorum. In addition, the committee substitute provides the chair of the Commission shall be appointed by the Governor.

The committee substitute also specifies a number of requirements on TD commissioners. These are:

- Commissioners are reminded they represent the needs of transportation disadvantaged persons statewide, and they shall not subordinate the transportation needs of persons statewide to favor a specific region of the state.
- Appointed commissioners shall serve for a term of 4 years and may be reappointed for one additional 4-year term.
- Commissioners must be citizens of Florida and registered voters.
- Commissioners, other than elected officials, may not within the five years immediately before the appointment, or during his or her term on the board, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045, F.S., the following:
 - A transportation operator;
 - A community transportation coordinator;
 - A metropolitan planning organization;
 - A designated official planning agency;
 - A purchaser agency;
 - A local coordination board;
 - A broker of transportation; or

- A provider of transportation services.
- The Commission may create four technical advisory committees, and set their membership, size, and focus. The technical advisory committee members will serve without compensation and without per diem. Of the four, one technical advisory committee shall provide the Commission with information, advice and direction on community coordinated transportation and paratransit services; one technical advisory committee shall provide the Commission with information, advice and direction on transportation planning issues; one technical advisory committee shall provide the Commission with information, advice and direction on business-related issues, including insurance, marketing, economic development, and financial planning; and one technical advisory committee shall be a forum for users of the transportation disadvantaged system.

In addition, the committee substitute requires each appointed candidate, prior to accepting the appointment, to undergo a security background investigation pursuant to s. 435.04, F.S. A complete set of fingerprints taken by an authorized law enforcement agency must be filed with DOT. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and to the Federal Bureau of Investigation for federal processing. The DOT must screen the background results and report to the Commission any candidate who fails to meet the level 2 screening standards of s. 435.04, F.S., which list 47 criminal offenses. Any candidate found through fingerprint processing to have failed to meet such standards may not be appointed as a member of the Commission. Finally, the committee substitute requires the costs of the background screening to be paid by DOT or the appointed candidate. Currently, the FDLE fingerprint check costs \$24 and the FBI fingerprint check costs \$25.

The committee substitute also includes the following finance related provisions:

- Directs no later than 30 days after the release of the Governor's Executive Budget Recommendations, the Transportation Disadvantaged Commission (Commission) must present to the Legislative Budget Commission a proposed allocation formula the Commission anticipates receiving from the General Appropriations Act for the upcoming fiscal year. The document must specifically detail the expected funds to be allocated to the counties. The Legislative Budget Commission must approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed formula. The Commission is prohibited from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster.
- Directs the Commission to develop a funding methodology or formula that equitably distributes funds, to include Medicaid nonemergency funds, under its control using certain criteria, and which ensures not only the actual costs of each trip but also efficiencies a provider might adopt to reduce costs are taken into account, including cost efficiencies of trips when compared to the local cost of transporting the general public.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 112-0

HB 401 — Southwest Florida Expressway Authority

by Rep. M. Davis and others (SB 102 by Senators Saunders, Aronberg, and Bennett)

Ch. 348, part X, F.S. is created to establish the Southwest Florida Expressway Authority. The Authority will have the general powers and duties of all expressway authorities, such as the ability to enter into contracts, acquire land, set tolls, and hire staff. Bonds for the Authority's projects could either be issued on its behalf by the state Division of Bond Finance or by the Authority itself. Provisions unique to this Authority include:

- An eight-member governing board comprised of: one permanent resident each from Collier and Lee counties, appointed by the Governor; one permanent resident of Collier County appointed by the Collier County Commission; one permanent resident of Lee County appointed by the Lee County Commission; one member each from the Collier and Lee county commissions; the executive director of the Southwest Florida Regional Planning Council; and the secretary of the Florida Department of Transportation (FDOT) district that includes Collier and Lee counties. The FDOT district secretary is a non-voting member.
- The ability to develop and operate the Southwest Florida Transportation System. Projects of the system are limited to tolled expressway lanes on Interstate 75 and support facilities in Collier and Lee counties, unless the two county commissions support projects elsewhere. Although not stated in the bill, the Authority also must obtain federal and state approval before building tolled lanes on I-75.
- The Authority is permitted to enter into a lease-purchase agreement with FDOT, whereby FDOT would operate and maintain the tolled facilities and at some point would own the system and make it part of the state highway system.
- The act creating the Authority shall "sunset" in 12 years after its effective date if the Authority has no outstanding indebtedness, no studies or project designs underway, or no projects under construction, and if it is not operating or maintaining the system.

If approved by the Governor, these provisions take effect upon resolutions in support of this act being passed by both the Lee County Board of County Commissioners and the Collier County Board of County Commissioners, but no sooner than July 1, 2005, in the event the boards pass such resolutions prior to that date, except that this section shall take effect upon this act becoming a law.

Vote: Senate 40-0; House 108-3

HB 1029 — Dredging Projects

by Rep. Russell and others (CS/SB 1576 by Transportation and Economic Development Appropriations Committee and Senator Fasano)

The bill creates s. 311.22, F.S., to establish a matching grant program for dredging projects in counties with a population of less than 300,000. This grant program is to be administered by rules established by the Florida Seaport Transportation and Economic Development Council and includes a review process by the Florida Department of Community Affairs, the Florida Department of Transportation, and the Office of Tourism, Trade, and Economic Development.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 114-0

HB 385 — State Facility Designations

by Rep. Rubio (CS/SB 770 by Transportation Committee and Senators Lynn and Baker)

This bill creates the following road and state facility designations:

- That portion of S.W. 8th Street, between S.W. 62nd Avenue and S.W. 67th Avenue, in Little Havana is designated as “Ramon Puig Way.”
- That portion of N.W. 167th Street, between N.W. 57th Avenue and N.W. 67th Avenue, in Miami Lakes is designated as “Shawn O’Dare Way.”
- That portion of S.W. 129th Terrace, between East 67th Avenue and 64th Avenue in Miami-Dade County is designated as “Marge Pearlson Way.”
- That portion of Coral Way (S.W. 24th Street), between 107th Avenue and 109th Avenue, in Miami-Dade County is designated as “Jorge L. Cabrera Way.”
- The New River Bridge on State Road 16 in Bradford and Union counties is designated as the “Correction Officers Memorial Bridge.”
- That portion of State Road 528, between its western terminus in Orange County and its eastern terminus in Brevard County, excluding that portion between U.S. Route 1 and State Road 3, is designated as the “Martin Andersen Beachline Expressway.”
- That portion of State Road 429 between Interstate 4 and U.S. Highway 441 in Orange County is designated as the “Daniel Webster Western Beltway.”
- That portion of Nova Road between Granada Boulevard and U.S. Highway 1 in Volusia County is designated as the “Robert F. Grim, Sr., Memorial Parkway.”

- That portion of U.S. Highway 331 from its intersection with U.S. Highway 90 South to the southern border of the city of DeFuniak Springs in Walton County is designated as “Veteran’s Memorial Boulevard.”
- The overpass on 77th Avenue East (Bridge # 130090) over Interstate 275 in Manatee County is designated as the “Southeastern Guide Dog Overpass.”
- The Florida Welcome Center on Interstate 75 in Hamilton County at the Florida-Georgia state line is designated as the “Joseph O. Striska Florida Welcome Center.”
- That portion of U.S. Highway 27 in Highlands County is designated as the “Purple Heart Memorial Highway.”
- That portion of Interstate 275 in Pinellas County that extends from the Howard Frankland Bridge to the Sunshine Skyway Bridge is designated the “St. Petersburg Parkway/William C. Cramer Memorial Highway.” The bill also repeals section 25 of Chapter 2004-392, Laws of Florida, which designated the same stretch of road as the “St. Petersburg/William C. Cramer Parkway.”
- The bridge over the Loxahatchee River on State Road Alternate A1A in the Town of Jupiter in Palm Beach County is designated as “Richard E. ‘Pete’ Damon Bridge.”
- The cable barrier system along the Florida Turnpike in Palm Beach, St. Lucie, and Miami-Dade Counties is designated as “Alexander Alden Ware Memorial Cable Barrier System.”
- That portion of State Road 916 on N.W. 135th Street between N.W. 7th Avenue and N.E. 6th Avenue in Miami-Dade County is designated as “Roi Henri Christophe Boulevard.”
- That portion of State Road 916 on N.W. 135th Street between N.W. 17th Avenue and N.W. 7th Avenue in Miami-Dade County is designated as “Charles Summer Boulevard.”
- That portion of State Road 916 on N.E. 135th Street between N.E. 6th Avenue and Biscayne Boulevard in Miami-Dade County is designated as “Capois-La-Mort Boulevard.”
- That portion of State Road 934 on N.W. 79th Street between Interstate 95 and N.E. 10th Avenue in Miami-Dade County is designated as “Jean Baptiste Point du Sable Boulevard.”
- The portion of State Road 50 in Lake County between the community of Stuckey and the Mascotte city limits is designated as the “Eric Ulysses Ramirez Highway.”

- That portion of Interstate Highway 4 in the vicinity of mile marker 123 in Volusia County is designated as “Trooper Darryl Haywood Highway.”
- That portion of Nova Road in Volusia County between International Speedway Boulevard to George W. Ingram Boulevard is designated as the “David Hinson Parkway.”
- That portion of International Speedway Boulevard between Nova Road and Beach Street in Volusia County is designated as “Charles W. Cherry, Sr., Parkway.”
- That portion of New Kings Road (U.S. 1) in Duval County between the 2400 block and the 3700 block is designated as “Taye Brown Parkway.”
- That portion of the Haines Street Expressway between Jessie Street and Eighth Street in Duval County is designated as “Charles B. Dailey Parkway.”
- That portion of U.S. Highway 1 between Finch Avenue and Redpoll Avenue in Duval County is designated as “Johnnie Mae Chappell Parkway.”
- That portion of East Silver Springs Boulevard, State Road 40, in the City of Ocala from East 11th Avenue to East 16th Avenue is designated as the “Dr. John M. Haile Memorial Boulevard.”
- The Sunshine Skyway Bridge over Tampa Bay is designated as the “Bob Graham/Sunshine Skyway Bridge.”
- The portion of 104th Street between US 1 and 97 Ave. is designated as the “Ricardo Karakadze Street.”

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39 -0; House 118-0

HB 625 — Abandonment of Roads

by Rep. Littlefield and others (CS/SB 1130 by Transportation Committee and Senator Crist)

During the 2002 legislative session, s. 316.00825, F.S., was created to establish a process by which counties could abandon roads under their jurisdiction and simultaneously convey ownership and maintenance responsibility for the roads to a homeowners’ association for the purpose of creating a gated community. The homeowners’ association seeking conveyance of the public road must meet certain requirements, such as proof that it has the financial ability to properly maintain the road, its drainage systems, and other appurtenances, and that at least 80 percent of its property owners have consented to the conveyance.

Passage of this provision created an unintended consequence: municipalities were now prohibited from abandoning city-owned roads for the purpose of conveying them to homeowners' associations. That is because provisions in ch. 166, F.S., and ch. 316, F.S., basically prohibit municipalities from imposing traffic-control ordinances on matters already preempted in general law by counties. This bill (Chapter 2005-34, L.O.F.) seeks to correct the problem. It renumbers the existing s. 316.00825, F.S., related to counties' authority to abandon county roads and convey them to homeowners' associations as the new s. 336.125, F.S., in the chapter of law governing the county road system. By removing this section from ch. 316, F.S., the bill, in effect, gives municipalities the authority to abandon city-owned roads under their home rule powers pursuant to ch. 166, F.S.

These provisions became law upon approval by the Governor on May 10, 2005.

Vote: Senate 40-0; House 115-0

SB 868 — E. R. Pipping, Jr., Memorial Act

by Senator Dockery

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." The bill authorizes the Department of Transportation to contract with not-for-profit groups or organizations for the installation and maintenance of plaques, markers, monuments, memorials, or various retired military equipment honoring the military and veterans at interstate rest stops in Florida. This bill creates an oversight committee and provides for membership and term limits. This bill requires approval by the committee for contracts, conditions for approval, and states the group or organization making the proposal will be responsible for costs and installation of the monuments.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 117-0

HB 977 — Airport Regulation/Security Plans

by Rep. Adams and others (CS/SB 1808 by Transportation Committee and Senators Campbell and Wilson)

The bill amends s. 330.30, F.S., to require those public general aviation airports having at least one runway greater than 4,999 feet in length and not hosting scheduled commercial passenger service or charter services to develop and periodically update a security plan. The plan must be consistent with certain Florida Airport Council guidelines. Approved airport security plans must be filed with the Department of Transportation in order for an airport's license to be renewed or reissued. The Department of Law Enforcement will receive certain administrative information from airport security plans for use in protecting critical state infrastructure.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 117-0

HIGHWAY SAFETY AND MOTOR VEHICLES

HB 1697 — Motor Vehicles

by Transportation Committee and Rep. Evers and others (CS/CS/CS/SB 454 by Transportation and Economic Development Appropriations Committee; Governmental Oversight and Productivity Committee; Transportation Committee; and Senators Sebesta, Lynn, and Posey)

The bill addresses a number of issues primarily affecting the duties of the Department of Highway Safety and Motor Vehicles (DHSMV). The bill amends numerous sections of law relating to off-highway vehicles, traffic control, license plates, motor vehicle titles and registration, driver's licenses and identification cards, and wrecker operator liens. Many of the bill's provisions are technical or administrative in nature.

Section 1

Allows a person whose driver's license is being suspended for failure to pay child support to petition the court to be issued a driver's license for driving privileges restricted to "business purposes only" subject to the court's approval and subject to the person making a payment schedule for current and past due child support obligations. However, if the person obtaining the "business purposes only" driver's license does not comply with the payment schedule then the person's license will be suspended.

Section 2

Allows municipalities, by interlocal agreement with a county, to transfer traffic regulatory authority over areas within the municipality to the county.

Section 3

Requires a driver of a vehicle to give an appropriate signal when overtaking another vehicle proceeding in the same direction.

Section 4

Provides no person may turn a vehicle from a direct course or move left or right upon a highway unless the movement can be done safely, and only after giving an appropriate signal, and to require signal lamps to be used to indicate an intention to overtake or to pass a vehicle.

Section 5

Requires any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, to be equipped with handholds for such passenger. The section is further amended to specify a person may not operate a motorcycle with handlebars or handgrips higher than the top of the shoulders of the person operating the motorcycle while properly seated on the motorcycle.

Section 6

Changes some references from “city” to “municipal,” and allows local governmental entities the authority to enact ordinances regarding golf cart operation and equipment which is more restrictive than state law. In addition, the section provides for the enforcement jurisdiction and penalties; however, these ordinances apply only to unlicensed drivers.

Section 7

Requires golf carts and utility vehicles must not only comply with the operational and safety requirements in ss. 316.212 and 316.2125, F.S., but also with more restrictive ordinances enacted by local governmental entities.

Section 8

Provides a person operating a commercial motor vehicle bearing an identification number which is false, fraudulent, or displayed without the consent of the person to whom it was assigned, commits a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. (up to 1 year imprisonment/\$1,000 fine).

Section 9

Revises the distance to no more than 25 feet that a radio may be plainly audible from a motor vehicle.

Section 10

Clarifies funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools. In addition, the section specifies the funds must be used for the enhancement, and not replacement, of driver education program funds. Finally, the section is amended to provide certain driver education programs require a minimum of 30 percent of a student’s time be behind-the-wheel training.

Section 11

Requires a mandatory hearing when a person commits an infraction resulting in a crash causing serious bodily injury or death. Specifically, if the infraction results in a crash causing death and

at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$1,000 in addition to any other penalties, and suspend the person's driver's license for 6 months. If the infraction results in a crash causing serious bodily injury, and at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$500 in addition to any other penalties, and suspend the person's driver's license for 3 months. All fees collected are to be remitted to the Department of Revenue (DOR) for deposit into the Department of Health Administrative Trust Fund. The fees are to be allocated as follows:

- Fifty percent equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services; and
- Fifty percent among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health (DOH) Trauma Registry.

Section 12

Provides for the distribution of specified civil penalties by county courts.

Section 13

Revises procedures applicable to determining whether vehicles with custom lowered floors for wheelchair access or a wheelchair lift are damaged to the point of total loss. If such a vehicle is repairable to a safe operating condition, the insurance company may submit the title for reissuance as a salvageable rebuildable title and the addition of a title brand of "insurance declared total loss."

Section 14

Authorizes DHSMV to withhold registration or re-registration of a motor vehicle if the owner, or one of the co-owners' name appears on a list that was given to DHSMV by a licensed motor vehicle dealer for a previous registration of that vehicle. The section requires the motor vehicle dealer to maintain signed evidence the owner or co-owner acknowledged the dealer's authority to give the list to DHSMV if they failed to pay, and allows the owner or co-owner to dispute a claim that money is owed to a dealer for registration fees by giving a form to DHSMV if such owner has documentary proof the fees have been paid to the dealer for the disputed amount.

Section 15

Allows DHSMV to deny, suspend, or revoke any license upon proof a licensee has failed to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration or titling fees owed under the bill.

Section 16

Amends ss. 320.08058 (7), (30), (33), and (56), F.S., relating to the Florida Special Olympics, Choose Life, United We Stand, and Animal Friend specialty license plates. Specifically, s. 320.08058(7), F.S., renames the specialty license plate to the Special Olympics Florida license plate due to a change in the corporate name and allows for redesign of the plate, so that “Everyone Wins” will be centered at the top of the plate. Section 320.08058(30), F.S., is amended to revise requirements of each agency receiving funds to submit an annual attestation to the county. Section 320.08058(33), F.S., is amended to require that all of the fees generated by the United We Stand plate be distributed to the SAFE Council of the Department of Transportation (DOT). Section 320.08058(56), F.S., is amended to revise distribution and use of the annual use fee revenues from the Animal Friend specialty license plate.

Section 17

Allows retired members from any branch of the United States Armed Forces Reserve to be issued a U.S. Reserve special license plate.

Section 18

Allows mobile home dealers to post a cash bond or irrevocable letter of credit, in lieu of a required surety bond, in order to be licensed mobile home dealers in the state.

Section 19

Deletes a provision requiring funds collected from a voluntary contribution associated with driver’s licenses and renewals distributed to the Hearing Research Institute, Inc., to be used for infant hearing screening in Florida.

Section 20

Directs the DHSMV to invalidate a driver’s license suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed under s. 322.2615, F.S., if the suspended person is found not guilty of driving under the influence (DUI) at trial. In addition, the section clarifies the disposition of a criminal proceeding does not affect a suspension for refusal to submit to a blood, breath, or urine test.

Section 21

Provides for the creation and duties of the Manufactured Housing Regulatory Study Commission. The section provides for the commission’s membership, the goals of its study, its report, and termination.

Section 22

Corrects an obsolete cross reference relating to points assigned for littering violations.

Section 23

Amends the standards for disqualification from operating a commercial motor vehicle, by clarifying that when the offense occurred is the determinant for timeframes for which penalties may attach. The section provides additional violations that can disqualify a person from driving a commercial vehicle, and provides that penalties incurred while driving a noncommercial vehicle can impact the commercial driver's license.

Section 24

Provides any volunteer highway patrol troop surgeon or any volunteer licensed health professional appointed by the director of the Florida Highway Patrol are considered employees for the purposes of the state's sovereign immunity provision.

Section 25

Creates s. 549.102, F.S., to exempt motorsports complexes from the provisions of ch. 513, F.S., relating to mobile home and recreational vehicle parks. Specifically, the owner of a motorsports entertainment complex may allow temporary overnight parking during a motorsports event and the two days before and after the event without any other license or permit as long as the area where the parking is allowed meets applicable DOH requirements other than site requirements.

Section 26

Revises the definition of "off-highway vehicle" by deleting the requirement vehicles be used "for recreational purposes," and by including "two-rider" vehicles in the definition. It also provides a definition of "two-rider ATV" to mean any ATV specifically designed by the manufacturer for a single operator and one passenger.

Section 27

Defines a "traffic signal preemption system," as "any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle."

Section 28

Provides the unauthorized use of a traffic signal preemption device is a moving violation punishable as provided in ch. 318, F.S. (\$60 fine/ 4 points).

Section 29

Provides a driver of a vehicle turning left must also yield the right-of-way to vehicles lawfully passing on the left side of the turning vehicle. A violation of this offense is punishable as a moving violation. This provision is intended to provide law enforcement officers with clarification as to the correct citation of this violation.

Section 30

Creates s. 316.1576, F.S., to provide clearance specifications for railroad-highway grade crossings. Specifically, a person may not drive any vehicle through a railroad-highway grade crossing not having sufficient space or sufficient undercarriage clearance to drive completely through the crossing without stopping. A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation in ch. 318, F.S. Enactment of these provisions provides a basis for the DHSMV to disqualify commercial driver's licenses, as required by federal law, and brings Florida into compliance with federal law.

Section 31

Creates s. 316.1577, F.S., to make employers responsible for violations pertaining to railroad-highway grade crossings. An employer may not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in violation of a federal, state, or local law or rule pertaining to railroad-highway grade crossings. A violator of this provision is subject to a civil penalty of not more than \$10,000.

Section 32

Increases the minimum speed limit on interstate highways with no fewer than 4 lanes from 40 to 50 miles per hour when the posted speed limit is 70 miles per hour. According to the DHSMV, this could potentially enhance traffic safety and the traffic flow on the National System of Interstate and Defense Highways.

Section 33

Amends s. 316.1932(1), F.S., relating to the statutorily implied consent given by licensed drivers to submit to breath, blood and urine tests for alcohol or other substances. It removes the form restriction that requires the notice of implied consent to be printed solely above the licensee's signature line. The bill provides the DHSMV with the flexibility to place such notice of implied consent anywhere on the front or back of the driver's license. Currently, DHSMV prints the consent warning below the signature line; therefore, this bill conforms the statute to current practice.

Section 34

Removes the references to Class D licenses in an exemption from this section for a passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a Class D driver's license, and for a passenger of a bus in which the driver holds a Class D driver's license. Therefore, such passengers could receive a nonmoving traffic violation for open container possession in the vehicle or bus.

Section 35

Authorizes a traffic accident investigation officer to provide for the removal of an attended, unattended, or abandoned vehicle. This provision is intended to give Community Service Officers, Public Service Aides, and other non-sworn traffic accident investigation officers the authority to remove vehicles creating a roadway hazard.

Section 36

Provides the owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or other specified evidence if the vehicle is registered in the name of the person who leased the vehicle. The section is further amended to direct the county court or its traffic violations bureau to notify the registered vehicle lessee by mail upon failure of the registered lessee to comply with the direction on the ticket. Under current law, the owner of the vehicle is liable for payment of parking ticket violations unless the owner can furnish evidence the vehicle was, at the time the violation occurred, in the care, custody, or control of another person.

Section 37

Provides, for the purposes of this section, ATV includes two-rider ATVs.

Section 38

References the most recent version of the Code of Federal Regulations relating to commercial vehicles, which was updated in 2004.

Section 39

Clarifies what portion of the license plate must be clear and plainly visible. Specifically, the word "Florida," the registration decal, and the alphanumeric designation must be clear and distinct and free from obscuring matter.

Section 40

Strikes language that deletes the DHSMV's authorization to expend funds for the purchase of promotional items as part of the public information and education campaigns provided for in ss. 316.613(4), 316.614, 322.025, and 403.7145, F.S.

Section 41

Creates s. 316.6131, F.S., as a result of the relocation of s. 316.613(4)(b), F.S. This relocated provision shifts and broadens the authority of the DHSMV to expend current funds for public awareness campaigns. The revised provision broadens the authority to expend such funds to purchase educational items for promoting highway safety and awareness campaigns as provided in chs. 316 (state uniform traffic control), 320 (registration requirements), 322 (driver's licenses), and s. 403.7145 (recycling), F.S., and for community-based initiatives.

Section 42

Provides an exception to the existing law by allowing uniform traffic citations to be admissible evidence in a trial of falsification, forgery, uttering, fraud or perjury or when used as physical evidence resulting from a forensic examination of the citation.

Section 43

Revises the definition of "off-highway vehicle" by deleting the requirement vehicles be used "for recreational purposes," and by including "two-rider" vehicles in the definition. It also provides a definition of "two-rider ATV" to mean any ATV specifically designed by the manufacturer for a single operator and one passenger.

Section 44

Corrects a reference to clarify the DHSMV shall administer all off-highway vehicle titling laws in the chapter. In addition, this section provides the provisions of ch. 319, F.S., (title certificates), are applicable to this ch. 317, F.S., unless otherwise explicitly stated.

Section 45

Clarifies the section's provisions apply to all of ch. 317, F.S.

Section 46

Clarifies the section's provisions apply to all of ch. 317, F.S.

Section 47

Authorizes the DHSMV to issue validation stickers to OHVs as proof of issuance of title. The DHSMV and county tax collectors are also authorized, upon application, to replace lost or destroyed validation stickers and charge the fees established in ss. 320.03(5), 320.031, and 320.04, F.S., for original and replacement stickers.

According to the DHSMV, it would purchase validation decals and oversee their issuance as proof of title, in addition to administering the corresponding revenue collection and distribution process. There have been 83,518 ATVs and OHVs titled since legislative inception in July of 2002, with 40,895 estimated to be titled annually. The DHSMV would incur estimated annual expenditures of \$7,708 for issuance of two decals per vehicle, in addition to mailing expenses to implement. An estimated \$61,342 in annual recurring revenue is based on collection of the \$1 Decal on Demand fee and \$.50 FRVIS fee per 40,895 estimated annual transactions. Tax collectors statewide would realize additional estimated annual revenue of \$122,685, based on collection of \$3 service and branch fee service charges for each vehicle transaction.

Section 48

Repeals s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles. These provisions are moved to s. 317.0016, F.S.

Section 49

Clarifies the section's provisions apply to all of ch. 317, F.S. Specifically, except as otherwise provided, funds collected pursuant to ch. 317, F.S., shall be deposited into the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.

Section 50

Clarifies the section's provisions apply to all of ch. 317, F.S.

Section 51

Clarifies the section's provisions apply to all of ch. 317, F.S.

Section 52

Creates s. 317.0014, F.S., to provide procedures for the issuance of titles for off-highway vehicles and for the handling of liens and encumbrances. In addition, it allows the DHSMV to assign a number to each certificate of title and allows the data base record to serve as the duplicate record. These procedures are consistent with those found in s. 319.24, F.S., which applies to titles for motor vehicles and vessels.

This section also creates a second degree misdemeanor for failing, within 10 days after receipt of a demand by the DHSMV by certified mail, to return a certificate of title to DHSMV as required, or, upon satisfaction of a lien, failing within 10 days after receipt of such demand to forward the appropriate document as required.

Section 53

Creates s. 317.0015, F.S., to provide for the application of certain provisions of law currently applicable to the titling of motor vehicles and vessels to off-highway vehicles. They include: (1) Encumbrance of a co-owned off-highway vehicle; (2) Removal of liens from record; (3) Cancellation of certificates; (4) Notice of lien notation on certificate recording of lien; (5) Transfer of ownership by operation of law; and (6) Applications provided by electronic or telephonic means.

Section 54

Creates s. 317.0016, F.S., to provide procedures for expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession for off-highway vehicles. The procedures are consistent with expedited services for motor vehicles and vessels as provided in s. 319.323, F.S., except that the section provides \$3.50 of the fee is to be retained by the processing agency and the remaining \$3.50 is to be deposited in the Incidental Trust Fund of the Division of Forestry.

According to the DHSMV, this section will minimally increase revenues deposited into the Incidental Trust Fund, based upon application of the current percentage of non-OHVs having fast titles issued. Ten percent or 4,090 of 40,895 OHVs or ATVs would generate increased annual estimated revenues of \$14,315 each to the Incidental Trust Fund and statewide tax collectors, based on a 50 percent split of the \$7 transaction fee; however, this service is optional for customers.

Section 55

Creates s. 317.0017, F.S., which creates the following third degree felony offenses:

- Altering or forging any certificate of title to an off-highway vehicle or any assignment thereof or any cancellation of any lien on an off-highway vehicle.
- Retaining or using such certificate, assignment, or cancellation knowing that it has been altered or forged.
- Procuring or attempting to procure a certificate of title to an off-highway vehicle, or pass or attempt to pass a certificate of title or any assignment thereof to an off-highway

vehicle, knowing or having reason to believe that the off-highway vehicle has been stolen.

- Possessing, selling or offering for sale, concealing, or disposing of in this state an off-highway vehicle, or major component part thereof, on which any motor number or vehicle identification number affixed by the manufacturer or by a state agency has been destroyed, removed, covered, altered, or defaced, with knowledge of such destruction, removal, covering, alteration, or defacement, except as provided in s. 319.30(4), F.S.
- Using a false or fictitious name, giving a false or fictitious address, or making any false statement in any application or affidavit required under ch. 317, F.S., or in a bill of sale or sworn statement of ownership or otherwise committing a fraud in any application.
- Knowingly obtaining goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title, registration, bill of sale, or other indicia of ownership of an off-highway vehicle.
- Knowingly obtaining goods, services, credit, or money by means of a certificate of title to an off-highway vehicle, which certificate is required by law to be surrendered to the department.
- Knowingly and with intent to defraud have in his or her possession, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle or conspire to do any of the foregoing.
- Knowingly possess, manufacture, sell or exchange, offer to sell or exchange, supply in blank, or give away any counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal used for the purpose of identifying an off-highway vehicle. It is specified that this offense applies to a person, firm, or corporation. An officer, agent, or employee of any person, firm, or corporation, or any person may not authorize, direct, aid in exchange, or give away, or conspire to authorize, direct, aid in exchange, or give away, such counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal. However, this offense does not apply to any approved replacement manufacturer's or state-assigned identification number plates or serial plates or any decal issued by the DHSMV or any state.

Any off-highway vehicle used in violation of this section constitutes contraband that may be seized by a law enforcement agency and that is subject to forfeiture proceedings pursuant to ss. 932.701-932.704, F.S.. This section is not exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of off-highway vehicles, but is supplementary thereto.

These provisions conform this section to prohibited actions concerning motor vehicles and vessels found in s. 319.33, F.S.

Section 56

Creates s. 317.0018, F.S., to provide the following actions are prohibited, unless otherwise authorized in ch. 317, F.S.:

- Purporting to sell or transferring an off-highway vehicle without delivering to the purchaser or transferee of the vehicle a certificate of title to the vehicle duly assigned to the purchaser as provided in ch. 317, F.S.
- Operating or using in this state an off-highway vehicle for which a certificate of title is required without the certificate having been obtained in accordance with ch. 317, F.S., or upon which the certificate of title has been canceled.
- Failing to surrender a certificate of title upon cancellation of the certificate by the department and notice thereof as prescribed in ch. 317, F.S.
- Failing to surrender the certificate of title to the department as provided in ch. 317, F.S., in the case of the destruction, dismantling, or change of an off-highway vehicle in such respect that it is not the off-highway vehicle described in the certificate of title.
- Violating any other provision of ch. 317, F.S., or a lawful rule adopted pursuant to ch. 317, F.S.

A violator shall be fined not more than \$500 or imprisoned for not more than 6 months, or both, for each offense, unless otherwise specified.

Section 57

Requires all dispositions requiring a correction and returned to a county be resubmitted to the DHSMV within 10 days after notification of the error. This section further authorizes the DHSMV to modify the effective date of any resulting suspension or revocation action resulting from citation dispositions reported to the DHSMV more than 180 days after the disposition of the citation as if the citation had been reported in a timely manner.

Also, ss. (9) and (10) of s. 318.14, F.S., regarding certain citation procedures and proceedings, are amended to provide applicability only to persons who do not hold a commercial driver's license (CDL). Specifically, the amended section prohibits CDL holders who are cited for traffic infractions and certain traffic offenses from making an election to attend a basic driver improvement course or entering into a plea of nolo contendere. This change is necessary to conform to the federal regulation.

Section 58

Requires a licensed dealer to file with the DHSMV a notice of sale signed by the seller on motor vehicles or mobile homes taken in trade. The DHSMV will update its database for the respective title record to indicate a status of “sold.”

Section 59

Corrects an obsolete cross-reference.

Section 60

Allows a credit to those license registrants who are required by the DHSMV to replace a specialty license plate due to the plate being discontinued for lack of sales.

Section 61

Requires long-term leased motor vehicles to be registered in the name and address of the lessee. According to the DHSMV, this provision will assist law enforcement with the registration that corresponds with the driver’s license and insurance identification, just as required for non-leased vehicles.

Section 62

Clarifies that fleet vehicles are exempt from the requirement to carry the certificate of registration in each registered motor vehicle.

Section 63

Provides a method for distinguishing who is eligible to use a disabled person’s license plate when the vehicle is registered to more than one person. Specifically, the provision requires when more than one registrant is listed on the registration for a wheelchair license plate, the eligible license plate applicant must be noted on the registration certificate.

Section 64

Authorizes the DHSMV to administer an electronic system for licensed motor vehicle dealers to use in issuing temporary plates. Dealers must enter into the system the appropriate vehicle and owner information upon the issuance of a temporary tag or temporary license plate within the DHSMV’s specified timeframe. In addition, DHSMV is authorized to adopt the necessary rules to administer these specified provisions. Failure to comply is punishable by denial, suspension, or revocation of the motor vehicle dealer’s license. This system will assist law enforcement through immediate retrieval of temporary license plate information.

Section 65

Authorizes the DHSMV to cancel any vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal if the owner pays by a dishonored check. This change would allow the DHSMV to cancel all documents issued by the DHSMV if any document is paid for with a bounced check.

Section 66

Amends s. 320.27(4), F.S., to require motor vehicle dealer principals to provide certification of completing 8 hours of continuing education prior to filing license renewal forms with the DHSMV; such certification must be filed once every 2 years beginning in 2006. The continuing education must include 2 hours of legal or legislative issues, 1 hour of department issues and 5 hours of relevant motor vehicle industry topics. The continuing education must be provided by a licensed dealer school either in a classroom or by correspondence. Dealer schools must provide completion certificates to both the DHSMV and the customer and the schools are authorized to charge a fee for providing continuing education.

Amends s. 320.27(6), F.S., to require motor vehicle dealers to maintain a record of all purchases, sales, exchange or receipt for sales, and temporary license plates for a period of 5 years. In addition, s. 320.27(9), F.S., is amended to provide grounds for the denial, suspension, or revocation of a dealer's license for willful failure to comply with the DHSMV's requirements for issuing temporary tags using the electronic system. To take action against a licensee, the DHSMV must prove sufficient frequency of violations to establish a pattern of wrongdoing by the licensee.

Section 67

Deletes references to "declared" or "actual" weight ratings from the definition of commercial motor vehicle, basing the weight classification of commercial motor vehicles specifically on the gross vehicle weight rating of 26,001 pounds or more. This section also provides the definition of "conviction" provided in 49 CFR part 383.5 applies to offenses committed in a commercial motor vehicle, which corresponds with the state definition. In addition, the section amends the definition of "out-of-service order" to mean a prohibition issued by an authorized local, state, or federal government official.

Section 68

Eliminates the Class D driver's license and deletes references thereto.

Section 69

Revises identification card application requirements to include a naturalization certificate issued by the United States Department of Homeland Security as sufficient proof to entitle an applicant

to an identification card. The section also clarifies that a U.S. passport, valid or invalid, is an acceptable proof of identity document. The DHSMV advised staff that, for purposes of proving identity to obtain a driver's license, the DHSMV will accept a passport that has expired. The section further provides the requirement of a full-face photograph or digital image of the identification cardholder may not be waived, regardless of the provisions of ch. 761, F.S.

Section 70

Removes the requirements for a Class D driver's license.

Section 71

Revises proof of identity for the purpose of obtaining a driver's license to include a naturalization certificate issued by the United States Department of Homeland Security as sufficient proof to entitle an applicant to a driver's license or temporary permit. The section also clarifies that a U.S. passport, valid or invalid, is an acceptable proof of identity document. DHSMV advised staff that, for purposes of proving identity to obtain a driver's license, the DHSMV will accept a passport that has expired. The section conforms documentation requirements for driver's licenses and identification cards. This section also specifies what constitutes proof of nonimmigrant classification to entitle an applicant to an original driver's license or temporary permit for a period not to exceed the expiration date of the document presented or 2 years, whichever occurs first. Such proof includes:

- A notice of hearing from an immigration court scheduling a hearing on any proceeding.
- A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.
- A notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service.
- Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service.
- A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States Immigration and Naturalization Service.
- An order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

Section 72

Authorizes a secondary guardian to sign a driver's license application for a minor if the primary guardian dies before the minor reaches 18 years of age.

Section 73

Requires the DHSMV to provide 90 days notice to a minor before canceling the minor's license due to the death of the person who co-signed the initial driver's license application.

Section 74

Removes the requirements for a Class D driver's license.

Section 75

Under the provisions of the bill, local tax collectors acting as agents of DHSMV for the purposes of providing driver's licensing services will retain the entire \$5.25 convenience fee paid by customers instead of remitting \$1 of that amount to DHSMV. According to DHSMV, this change will result in an approximately \$1,150,000 annual negative fiscal impact to the Highway Safety Operating Trust Fund. However, the \$1 portion of the fee currently remitted to DHSMV is used for driver's license technology maintenance and upgrades, and according to DHSMV, the new driver's license technology contract funded last year covers these technology costs.

Requires the electronic transfer of driver's license fees and charges to the DHSMV from the county tax collector within 5 business days from the close of the business day in which the county officer received the funds. This provision is similar to provisions already found in ss. 319.32, 320.03, and 328.73, F.S., which mandate a 5-day transfer period for fees collected for motor vehicle titles, motor vehicle registration, and vessel registration certificates.

Section 76

Authorizes the DHSMV to issue a color photographic or digitally imaged driver's license to qualified applicants. The section provides the requirement of a full-face photograph or digital image of the licensee may not be waived, regardless of the provisions of ch. 761, F.S.

Section 77

Removes the requirements for a Class D driver's license.

Section 78

Corrects a cross-reference in s. 322.08, F.S., which changes as a result of the bill.

Section 79

Corrects a cross-reference in s. 322.08, F.S., which changes as a result of the bill. In addition, Florida's participation in the federal program to conduct security checks on all hazmat applicants

is mandatory, which requires security checks be repeated at no more than five-year intervals. The section provides a CDL with a hazardous-materials endorsement shall expire at midnight on the licensee's birthday that next occurs four years after the month of expiration of the license being issued or renewed, which will be consistent with the requirements of federal law.

Section 80

A conforming provision that corrects a cross-reference in s. 322.08, F.S., which changes as a result of the bill.

Section 81

Removes the requirements for a Class D driver's license. This section of the bill also creates s. 322.21(1)(f), F.S., to provide a hazardous-materials endorsement fee must be set by the DHSMV by rule, as required by s. 322.57(1)(d), F.S., and must reflect the cost of the state and federal fingerprint check, and the cost to the DHSMV for issuing the license; the fee must not exceed \$100. This fee must be deposited into the Highway Safety Operating Trust Fund. According to the DHSMV, the portion of the fee required to cover the criminal history and fingerprint checks would be forwarded to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI).

According to the DHSMV, this change is required to authorize the deposit of the hazardous-material endorsement fee into the Highway Safety Operating Trust Fund and to allow the DHSMV to set the fee by rule, policy, or procedure. The DHSMV estimates a \$91 fee will be established, which consists of an \$81 cost for conducting criminal history checks with the FDLE, the FBI, and the Transportation Safety Administration (TSA) and a \$10 administrative cost. Based on a 40,000 annual population, it is estimated this bill will generate \$3,640,000, of which \$400,000 will be retained in the Highway Safety Operating Trust Fund to recover administrative costs and \$3,240,000 will be distributed to the FDLE, the FBI, and the TSA for conducting criminal history checks. The DHSMV is authorized to adopt the necessary rules to administer the provisions of this section.

Section 82

Provides any person giving false information when applying for a commercial driver's license will be disqualified from operating a commercial motor vehicle for 60 days. This change is a federal regulation, which the states are required to implement or be penalized.

Section 83

Authorizes the DHSMV to cancel an identification card, driver's license, vehicle or vessel registration, or fuel-use decal if the licensee fails to pay the correct fee or pays by a dishonored check, regardless of which one he or she is paying for. This change would allow the DHSMV to

cancel all documents issued by the DHSMV if any document is paid for with a dishonored check.

Section 84

Removes the requirements for a Class D driver's license.

Section 85

Revises suspension of license provisions to include references to unlawful breath alcohol level and allow a formal review hearing to be conducted upon a review of documents relating to the refusal to take a urine test.

Section 86

Corrects an erroneous reference relating to points assigned for littering violations. In addition, the section creates a new point value for violations of s. 316.0775, F.S.; therefore, s. 322.27, F.S., is amended to assign a four point value for a conviction under s. 316.0775(2), F.S., regarding a violation of the unauthorized use of a traffic signal preemption device.

Section 87

Removes the requirements for a Class D driver's license.

Section 88

Clarifies military personnel do not need a CDL to drive vehicles for military purposes. Currently, Florida law exempts military personnel driving military vehicles from CDL requirements; however, federal regulations require exemption of military personnel from CDL requirements when driving vehicles operated for military purposes. The section also removes the specialty licensing and endorsement requirements for emergency and farm CDL exemptions. Also, this section is amended to remove the requirements for a Class D driver's license.

Section 89

Removes the requirement that a Class C driver's license is required to operate a motor vehicle combination having a gross vehicle weight rating, a declared weight, or an actual weight of 26,001 pounds or more. The bill amends Florida law to mirror federal law so that a Class C license is required only for those drivers who must have a commercial driver's license with a special endorsement. Also, this section is amended to remove the requirements for a Class D driver's license.

Section 90

Provides a new endorsement category implementing changes to the Federal Motor Carrier Safety Administration (FMCSA) regulations, which require school bus drivers to test their knowledge and driving skills in a school bus and hold a corresponding CDL endorsement for that type of vehicle. In addition, the bill removes obsolete language in this section regarding the weight restriction of vehicles operated by Class C licensees.

Section 91

Removes the requirements for a Class D driver's license and changes those requirements to a Class E driver's license.

Section 92

Clarifies provisions concerning alcohol or drug testing for commercial motor vehicle operators. Under the bill, blood and breath tests are to be used to measure the concentration of alcohol in a person's blood, while urine tests are to be used to determine the presence of certain chemical substances or of controlled substances. Further, DHSMV is given the flexibility to place the notice of implied consent anywhere on the front or back of the commercial driver's license.

Section 93

Implements changes to the FMCSA regulations which require states to apply similar noncommercial motor vehicle traffic violations as disqualifying offenses, and adds new disqualifying offenses. Basically, if a commercial driver is arrested with an unlawful blood-alcohol level or refuses to submit to a breath, urine, or blood test while operating a commercial motor vehicle, the driver is disqualified from operating such vehicle and will only be issued a 10-day temporary permit for noncommercial vehicles. Also, s. 322.634(14), F.S., is reenacted.

Section 94

Provides a registered owner may dispute a wrecker operator's lien, if the DHSMV's records were marked sold prior to the date of the tow. The section is further amended to provide the lien dispute resolution process in subsection (13) does not apply to a leased vehicle registered in the name of the lessor. Specifically, the section provides a wrecker lien on a leased vehicle does not prevent the lessor (the leasing company) from registering other vehicles.

Section 95

Prohibits the transport of radio receiving equipment assigned to fire and rescue personnel, except in emergency or crime watch vehicles of law enforcement officers or fire rescue personnel. This section also amends the definition of "emergency vehicle" to provide that a fire chief can designate any motor vehicle as an emergency vehicle if assigned the use of frequencies assigned

to the local government's fire department. The bill changes the penalty for violating any provision of the section from a second degree misdemeanor to a first degree misdemeanor.

Section 96

Provides a short title so the section may be cited as the "Dori Slosberg Act of 2005."

Section 97

Amends the "Florida Safety Belt Law" to provide for primary enforcement of the safety belt law for operators and passengers under 18 years of age. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine.

Additionally, this section requires each law enforcement agency in Florida to adopt a departmental policy to prohibit racial profiling. The section also requires law enforcement officers to record the race and ethnicity of the violator when a citation is issued for not wearing a safety belt. This data must be forwarded to DHSMV, and the DHSMV must report this information annually to the Governor and the Legislature.

If approved by the Governor, and except as otherwise provided in the bill, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 117-0

HB 19 — Motor Vehicle Driving Privilege/DUI

by Rep. Kravitz and others (SB 468 by Senators Wise and Haridopolos)

The bill creates stronger enforcement mechanisms to help ensure compliance with the current requirement that a person whose driver's license has been suspended or revoked for driving under the influence (DUI) must maintain proof of complying with additional financial responsibility insurance requirements for 3 years. The bill requires DUI violators to renew their vehicle registration every 6 months, rather than annually. The 6-month registration would be conditioned upon maintaining a 6-month non-cancelable motor vehicle liability policy for each 6-month registration during the 3-year period of maintaining financial responsibility.

To satisfy the financial responsibility requirements, violators must maintain a non-cancelable 6-month liability policy of at least \$10,000 for injury to one person, \$20,000 for injury to two or more persons, and \$10,000 property damage; or \$30,000 combined single limits that are required under current Florida Law. The bill requires the Department of Highway Safety and Motor Vehicles to issue a vehicle registration certificate that is valid for 6 months and to issue a validation sticker that displays an expiration date of 6 months after the date of issuance.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 118-0

SB 52 — Commercial Motor Vehicles

by Senator Geller

The bill provides any person engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks, as defined in s. 320.01, F.S., into dump trucks must have evidence of insurance coverage under a commercial liability insurance policy with limits of at least \$1 million per accident and \$1 million annual aggregate. Evidence of this insurance policy must be available at all reasonable hours for inspection by any law enforcement officer.

Additionally, the bill defines the term “dump truck,” and provides any person engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks, into dump trucks must ensure that the retrofitted, rebuilt, or modified dump truck complies with all federal safety standards provided in 49 C.F.R. 393.

The bill also provides any person who violates the provisions in the paragraphs above commits a second degree misdemeanor on the first violation, a first-degree misdemeanor on the second violation and a third-degree felony for a third or subsequent violation.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 37-2; House 116-0

HB 63 — Disabled Parking Permits

by Rep. Simmons and others (SB 870 by Senator Crist)

The bill expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. The bill provides all advanced registered nurse practitioners licensed under ch. 464, F.S., under the protocol of a licensed physician, and all physician assistants licensed under ch. 458, F.S. or ch. 459, F.S., are eligible to make the disability determination. The bill also provides for disciplinary actions against those who violate the provisions governing disabled parking permits.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 112-0

HB 157 — Road Rage Reduction Act

by Rep. Sorenson and others (CS/SB 732 by Criminal Justice Committee; and Senators Bennett and Bullard)

Effective January 1, 2006, s. 316.081, F.S., is amended to prohibit a person from operating a motor vehicle in the left-hand lane except when overtaking or passing another vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System. The bill also requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. The bill requires slower vehicles on a three-lane roadway to yield to vehicles being driven at a faster rate of speed by moving over to the closest right-hand lane. The bill provides a number of exceptions to this general rule. A conviction for a violation of this new provision will result in the assessment of 3 points and a \$60 fine. Beginning July 1, 2005, the Department of Highway Safety and Motor Vehicles is directed to include information regarding the provisions of the act with all driver's license educational material and law enforcement officers may issue warnings for conduct that would violate the provisions taking effect January 1, 2006.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 28-10; House 113-4

CS/SB 276 — Wrecker Services

by General Government Appropriations Committee and Senators Crist and Wilson

This bill creates ch. 508, F.S., to establish within the Department of Agriculture and Consumer Services (DACS) a state-wide wrecker company registration and wrecker operator certification system. With some exceptions, a person may not operate a wrecker company unless that person is registered with DACS and the bill restricts counties and municipalities from issuing or renewing an occupational license unless the wrecker company is registered with DACS. Participation in the Florida Highway Patrol or local government wrecker allocation system is restricted to those wrecker companies registered with DACS. The bill creates the Wrecker Operator Advisory Council to advise DACS on implementation of this chapter. The bill also:

- Clarifies the rates that may be charged by a wrecker operator on vehicles held at the request of law enforcement.
- Allows vessels and mobile homes to be towed, stored, and secured by liens in substantially the same manner as automobiles.
- Preserves a mobile home park owner's claim for unpaid lot rental.

- Limits a wrecker operator's liability for damages for removing vehicles, vessels, and cargo obstructing a roadway.
- Clarifies a wrecker operator's responsibility to release a vehicle or vessel for half-price before it is removed from the premises in which it is unlawfully parked.
- Prohibits the payment or acceptance of consideration for the privilege of towing vehicles from a particular location.
- Creates criminal penalties for wrecker operator conduct that is already prohibited under existing law.

If approved by the Governor, these provisions take effect July 1, 2005 unless otherwise specified in the bill.

Vote: Senate 34-2; House 108-2

CS/CS/SB 492 — Vehicles/Recovery/Towing/Storage

by Criminal Justice Committee; Judiciary Committee; and Senators Bennett and Crist

This bill makes a number of changes to the law regulating the towing or removal of vehicles, vessels, and mobile homes. Specifically, the bill does the following:

- Clarifies the rates that may be charged by a wrecker operator on vehicles held at the request of law enforcement.
- Allows vessels and mobile homes to be towed, stored, and secured by liens in substantially the same manner as automobiles.
- Preserves a mobile home park owner's claim for unpaid lot rental.
- Limits a wrecker operator's liability for damages for removing vehicles, vessels, and cargo obstructing a roadway.
- Clarifies a wrecker operator's responsibility to release a vehicle or vessel for half-price before it is removed from the premises in which it is unlawfully parked.
- Prohibits the payment or acceptance of consideration for the privilege of towing vehicles from a particular location.
- Creates criminal penalties for wrecker operator conduct that is already prohibited under existing law.

If approved by the Governor, these provisions take effect July 1, 2005 except as otherwise provided in the bill.

Vote: Senate 40-0; House 114-0

HB 497 — Velez Memorial Traffic Safety Act

by Rep. Cannon and others (CS/CS/SB 1264 by Health and Human Services Appropriations Committee; Transportation Committee; and Senators Saunders, Fasano, Constantine, and Klein)

The bill creates the “Anjelica and Victoria Velez Memorial Traffic Safety Act.” This bill increases the fine and points assessed against a person’s driving record for a red light violation. Specifically, the bill imposes a fine of \$125 for a violation of a traffic control steady red indication, of which \$60 would be distributed as provided in s. 318.21, F.S., and the remaining \$65 would be remitted to the Department of Revenue (DOR) for deposit into the Administrative Trust Fund of the Department of Health (DOH). In addition, a red light violation results in four points being assessed against the violator’s driving record.

The bill would require the Department of Highway Safety and Motor Vehicles (DHSMV) to identify any operator convicted of or who pleaded nolo contendere to a second violation of s. 316.074(1) or s. 316.075(1)(c)1., F.S., which violation occurred within 12 months after the first violation, and shall require that operator, in addition to other applicable penalties, to attend a DHSMV-approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the DHSMV, the operator's driver license is canceled by the DHSMV until the course is successfully completed.

The bill also provides financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers. The DOH shall use funds from the additional penalty for traffic control steady red signal violations which are deposited into the Administrative Trust Fund to fund the availability and accessibility of trauma services throughout the state, as follows:

- Twenty percent of the total funds collected would be distributed to verified trauma centers located in a region that has a local funding contribution as of December 31. Distribution of funds would be based on trauma caseload volume.
- Forty percent of the total funds collected would be distributed to verified trauma centers based on trauma caseload volume of the previous calendar year. The determination of caseload volume would be based on DOH Trauma Registry data.
- Forty percent of the total funds would be distributed to verified trauma centers based on severity of trauma patients. The determination of severity would be based on DOH Injury Severity Scores.

The bill also allows trauma centers to request their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program.

Any trauma center not subject to audit must annually attest, under penalties of perjury, the proceeds were used in compliance with law. The annual attestation must be made in a form and format determined by DOH. Trauma centers subject to audit under s. 219.97, F.S., must submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation would be submitted to DOH for review within nine months after the end of the organization's fiscal year. DOH, working with the Agency for Health Care Administration, must maximize resources for trauma services wherever possible.

Lastly, the bill provides for a \$7.5 million appropriation to the Administrative Trust Fund in the DOH to provide funding for trauma centers consistent with this bill.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 116-0

CS/SB 530 — DUI/Ignition Interlock Device

by Transportation and Economic Development Appropriations Committee; and Senators Wise, Haridopolos, and Sebesta)

Generally, the bill provides the Florida Department of Highway Safety and Motor Vehicles (department) administrative responsibility and authority to administer the ignition interlock program, which is currently administered by the courts under ch. 316, F.S.

The bill modifies a cross reference regarding the department's authority to unilaterally require imposition of the interlock device, which will now be exercised pursuant to proposed s. 322.2715, F.S. This change is intended to clear up confusion and make the statutory scheme for interlocks concise and understandable.

The bill creates s. 322.2715, F.S., which permits the department to require the placement of an approved ignition interlock device on specified convicted DUI offenders' vehicles prior to issuing such person a permanent or restricted driver's license. Although, an exception is provided for consideration to be given to individuals with a documented medical condition prohibiting the ignition interlock device from functioning normally when such persons are convicted of an offense of DUI requiring the placement of the device. In addition, the bill is limited to the circumstances delineated in s. 316.193, F.S., where interlocks are mandatory.

The bill also specifies the duration of each installation period based upon the number of DUI convictions as required under s. 316.193, F.S. Specifically, the bill requires placement of an interlock device for up to 6 months for a first DUI offense and for up to 2 years for a second DUI offense where the violator had a blood alcohol level of 0.20 or higher, or if a passenger under 18

years of age is present in the vehicle. Upon a second DUI conviction, the placement of an interlock device is required on all vehicles owned or leased by the offender for at least one year. Upon a third DUI conviction, the ignition interlock device must be installed for at least 2 years.

In addition, the bill permits the department to immediately require the device be installed if the court fails to so order such installation on a convicted offender's vehicle. However, an exception is provided for consideration to be given to individuals with a documented medical condition prohibiting the ignition interlock device from functioning normally when such persons are convicted of an offense of DUI requiring the placement of the device. Finally, the bill clarifies the mandate of the department to require the placement of an approved ignition interlock device on specified convicted DUI offenders' vehicles applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation of a conviction for a DUI offense occurring on or after July 1, 2005.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 114-0

HB 551 — Vehicles/Financial Responsibility

by Rep. Hays and others (CS/SB 1030 by Judiciary Committee and Senator Campbell)

Under current law, a rental company is vicariously liable for damages and injuries involving the operation of the rental vehicle by the operator or lessee. However, there are statutory limits or caps on damages that rental companies are subject to which are up to \$100,000 per person and up to \$300,000 per incident for bodily injury, and up to \$50,000 for property damage.

The bill expands the scope of the definition of the term "rental company" to include:

- A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.
- The holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held under or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company in the operation of such rental company's business.

Several of the larger rental car companies have established business arrangements with companies which are the holders of the motor vehicle titles of the rental cars. These changes to the definition of "rental company" will allow certain companies to qualify for the same vicarious liability protections which are currently afforded rental companies.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 116-0

HB 623 — Former Military Vehicles

by Rep. Littlefield and others (SB 1240 by Senators Baker and Posey)

This bill exempts former military vehicles from being equipped with windshields if the Department of Highway Safety and Motor Vehicles finds it necessary in order for the vehicle to maintain its accurate military design and markings. This bill also requires the operator and passengers of these former military vehicles to wear approved eye-protective devices when the vehicle is operating on public roads and highways. Additionally, the bill defines former military vehicles and exempts those former military vehicles, which are 30 years old or older and only used in exhibitions, parades, or public display, from the requirements of displaying a license plate or registration insignia if the exemption is necessary to maintain the vehicle's accurate military markings.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 117-0

HB 853 — Motor Vehicle Lease Agreements

by Rep. Reagan and others (SB 1356 by Senators Alexander, Campbell, and Lynn)

Current Florida law requires retail lessors to provide a lessee with a copy of each document signed by the lessee during the course of an automobile lease transaction. The bill requires the retail lessor to provide only a copy of the signed lease agreement to the lessee.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 114-0

HB 925 — Mobility-impaired Pedestrians/Dogs

By Rep. Bendross-Mindingall and others (SB 642 by Senators Rich, Wise, Miller, and Wilson)

This bill expands the definition of mobility impaired pedestrians to include people using guide dogs or service animals designated as such with a visible means of identification. When a mobility impaired pedestrian is crossing a public street or highway, drivers arriving at an intersection must come to a stop and take precautions to avoid injuring the mobility impaired person. Violations are non-criminal traffic infractions punishable as a moving violation.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 117-0

HB 1025 — Misuse of Laser Lightening Devices

by Rep. Waters and others (CS/SB 830 by Justice Appropriations Committee and Senators Sebesta and Lynn)

The bill redefines the term “laser lighting device” for s. 784.062(3), F.S., to mean any device designated or used to amplify electromagnetic radiation by stimulated emission related to use on persons operating a motor vehicle, vessel, or aircraft. This makes the new crime inclusive of any laser, not merely those typically used as a pointing device.

The bill provides any person who knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft commits a felony of the third degree, which is punishable by imprisonment up to 5 years and a \$5,000 fine.

The bill also provides any person who knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft and such act results in bodily injury commits a felony of the second degree, which is punishable by imprisonment up to 15 years and a \$10,000 fine.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 113-0

CS/SB 1118 — Motor Vehicle Crash Reports

by Transportation Committee and Senators Saunders and Lynn

This committee substitute allows victim services programs to obtain motor vehicle crash reports immediately rather than having to wait 60 days. The committee substitute defines victim services programs as “any community-based organization whose primary purpose is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victims compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.”

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 114-3

SB 1460 — Motor Vehicle Registration

by Senators Bennett, Miller and Posey

The bill requires the Department of Highway Safety and Motor Vehicles, to include a check-off for a voluntary \$1.00 contribution to Southeastern Guide Dogs, Inc., on each motor vehicle

registration and renewal form. Southeastern Guide Dogs, Inc., is a non-profit educational organization providing guide dogs to blind individuals.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 118-0

SB 1502 — Driver's License Check Off for Children's Hearing Help Fund

by Senators Fasano and Wilson

This bill requires the Department of Highway Safety and Motor Vehicles to include a checkoff on each driver's license application form for a voluntary \$1 contribution to the Children's Hearing Help Fund. The Children's Hearing Help Fund is a special trust fund established by Sertoma Speech and Hearing Foundation of Florida, Inc.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 118-0